

Permitting and Assistance Branch Staff Report
New Minor Waste Tire Facility Permit for Environmental Logistics, Inc.
TPID No. 1667352
March 8, 2016

Background Information and Analysis:

This report was developed in response to a New Minor Waste Tire Facility Permit (WTFP) application received from the owner and operator of Environmental Logistics, Inc., located at 3200 Depot Road, in the City of Hayward, Alameda County. Environmental Logistics, Inc. operates on 3.3 acres with an existing warehouse located within an Industrial, General (IG) zone. Tires will be stored outdoors in covered roll off containers.

An application for a New Minor WTFP was received by Permitting and Assistance Branch staff on November 7, 2015, and accepted as complete and correct on December 4, 2015. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete and correct to either issue or deny the issuance of a Minor WTFP. CalRecycle is required to act by June 1, 2016.

Findings:

Staff recommends approval of the issuance of the proposed WTFP. All of the required submittals and findings required by 14 CCR Sections 18423(b) and 18431 have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes staff's findings relative to the permit application:

| | Findings | |
|---|--|---|
| Compliance with Tire Storage Standards, 14 CCR Sections 17350-17356 | Tire Enforcement staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on August 20, 2015, and no violations were cited. See Compliance History below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Application Forms (500-504) - 14 CCR Sections 18431(a) through (f) | All application forms were accepted by Permitting and Assistance Branch (PAB) staff as complete on December 4, 2015. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Local Requirements 14 CCR Section 18431(h) | <i>Local Vector Control:</i> The operator contacted Mr. Huston with the Alameda County Mosquito Abatement District and received no objections or alternatives to the planned method of waste tire storage since the waste tires will be stored in covered containers. <i>Local Fire Authority:</i> Mr. Murphy of the Hayward Fire Department confirmed receipt of the fire plan and facility map on September 17, 2015. No alternatives to the outdoor waste tire storage standards are proposed. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

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| California Environmental Quality Act (CEQA) | PAB staff determined that the issuance of the Minor WTFP is statutorily exempt from the requirements of CEQA. See Environmental Analysis below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Reviewed by: CalRecycle Legal Office | March 8, 2016 | |
| Waste Evaluation and Enforcement Branch | February 12, 2016 | |

Compliance History:

An inspection was conducted by CalRecycle WEEB staff on August 20, 2015. Following are the findings noted in the inspection report:

“This inspection was conducted to clear a prior Notice of Violation (NOV) and determine compliance with waste tires laws and regulations in order to determine if a submitted minor waste tire facility application can be accepted by CalRecycle. The NOV was issued to the facility for storing more than 499 waste tires on-site based on a review of Comprehensive Trip Log (CTL) history that documented the disposal of more than 1,000 waste tires at a time from the facility. At the time the NOV was given, the facility was not storing more than 499 waste tires on-site. Since the facility has submitted an application for a minor waste tire facility permit, this allows the prior NOV to be cleared. The facility is choosing to not store any waste tires on-site until their permit is approved. Their current practice is to pick up 20 yard bins of waste tires from various Caltrans yards and transport them directly to West Coast Rubber in Hollister using their hauler registration under TPID 16105641. No violations noted today.”

Below are the details of the facility’s compliance history based on the Tire Enforcement Agency’s inspection reports during the last three years that inspections were conducted:

- 2014 (January) – Violation of Public Resources Code (PRC) Section 42951 – Waste Tire Hauler Registration and Transport of Tires.
- 2013 – No inspections were performed.
- 2012 – No Violations were noted.

The violation was corrected.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is the Lead Agency under CEQA and must make a determination as to whether this proposed WTFP is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The proposed project is for the outdoor storage of up to 4,999 waste tires/passenger tire equivalents. This proposal is considered to be a project under CEQA [CEQA Guidelines 15378(a)(3)] and the facility is required to obtain a WTFP pursuant to 14 CCR Section 18420.

The City of Hayward Development Services Department – Planning Division approved and issued Administrative Use Permit PL-2011-0147 for the facility on October 18, 2011 and determined the project is categorically exempt pursuant to 14 CCR Section 15301. The Administrative Use Permit allows for the operation of a tire recycling facility. The facility is consistent with the City of Hayward Industrial General zoning designation. It is determined that the project is statutorily exempt pursuant to PRC Section 21083.3(b). The City of Hayward 2040 General Plan Environmental Impact Report (EIR), State Clearinghouse No. 2013082015, describes and supports the design and operation which will be authorized by the issuance of this WTFP.

CalRecycle staff finds the proposed project is consistent with the City of Hayward General Plan 2040 EIR. CalRecycle staff made the finding/determination that a Statutory Exemption, PRC Section 21083.3(b) – General Plan Consistency is appropriate for CalRecycle’s issuance of this proposed Minor WTFP.

Staff recommends that CalRecycle, acting as a Lead Agency under CEQA, prepare a Notice of Exemption (NOE) based on the Statutory Exemption (PRC Section 21083.3(b)) in that the proposed project is consistent with the City of Hayward 2040 General Plan EIR. The NOE will be filed with the State Clearinghouse following CalRecycle’s issuance of the New Minor WTFP.

Staff further recommends the Statutory Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed New Minor WTFP and all of its components and supporting documentation, this staff report, and other documents and materials utilized by CalRecycle in reaching its decision on issuing this WTFP. The custodian of CalRecycle’s administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comment

Department staff provided an opportunity for public comment during CalRecycle’s Monthly Public Meeting on December 15, 2015, January 26, 2016 and February 16, 2016. No public comments have been received by CalRecycle staff.

Attachment: Minor WTFP